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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,852

05/17/2006

Dietmar Van Der Linden

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2119 7590 01/16/2009  
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EXAMINER

MCCALISTER, WILLIAM M

ART UNIT

PAPER NUMBER

3753

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01/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,852	<b>Applicant(s)</b> VAN DER LINDEN ET AL.	
	<b>Examiner</b> WILLIAM MCCALISTER	<b>Art Unit</b> 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/31/2008 (election).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13, 16, 17 and 20-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-11, 14, 15, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

Claims 1-7 have been cancelled. Claims 8-27 remain pending.

### *Election/Restrictions*

1. Claims 12, 13, 16, 17 and 20-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/31/2008.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8-11, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Talaski (US 2005/0016599).

Art Unit: 3753

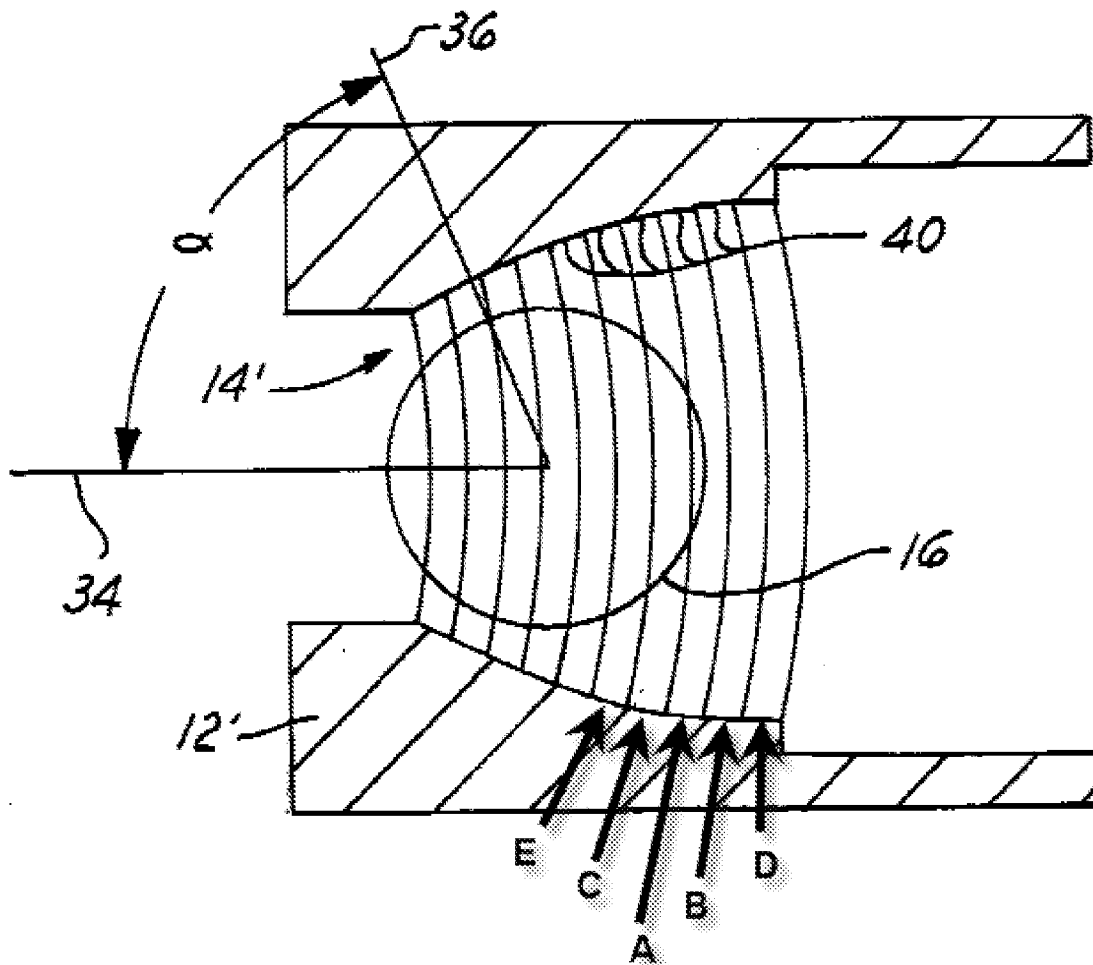
Regarding claim 8, Talaski discloses (see annotated FIG 8, below) a valve having a valve member (16) which cooperates with a valve seat (14') formed in a housing part (12') in order to control a connection, the valve seat having an at least approximately conical seat face (A) which is located at a transition of the connection from a portion of small diameter (left, FIG 8) to a portion of large diameter (right, FIG 8), wherein the seat face (A), on its side oriented toward the portion of large diameter (right), is adjoined by at least one face (B) which is more markedly inclined toward the longitudinal axis of the connection than the seat face (angle  $\alpha$  is larger, see explanation in paragraphs 21 and 27) and wherein the seat face, on its side oriented toward the portion of small diameter, is adjoined by at least one face (C) which is less markedly inclined toward the longitudinal axis of the connection than the seat face (angle  $\alpha$  is smaller).

Regarding claim 9, Talasaki discloses the face (B), adjoining the seat face (A) toward the portion of the connection having the large diameter (right), to be adjoined by at least one further face (D), inclined more markedly toward the longitudinal axis of the connection (angle  $\alpha$  is further increased).

Regarding claims 10 and 11, Talasaki discloses the face (C) adjoining the seat face (A) toward the portion of the connection having the small diameter (left) to be adjoined by at least one further face (E), inclined less markedly toward the longitudinal axis of the connection (angle  $\alpha$  is further decreased).

Art Unit: 3753

Regarding claims 14 and 15, the side of the connection from which the surfaces are machined would not impart any distinctive structural characteristics. This process of manufacture therefore does not further define the claimed valve.

**Annotated FIG 8**

4. Claims 8, 9, 14, 15, 18 and 19 are also rejected under 35 U.S.C. 102(b) as being anticipated by Trudeau (WO 99/64202).

Art Unit: 3753

Regarding claim 8, Trudeau discloses a valve having a valve member (inherent) which cooperates with a valve seat (see annotated FIG below) formed in a housing part in order to control a connection (inherent, to contain and control flow), the valve seat having an at least approximately conical seat face (A) which is located at a transition of the connection from a portion of small diameter ("ID") to a portion of large diameter ("OD"), where the seat face (A), on its side oriented toward the portion of large diameter, is adjoined by at least one face (B) which is more markedly inclined toward the longitudinal axis of the connection than the seat face (A) (for purposes of the following analyses, the angles are defined as those between the longitudinal axis and a line perpendicular to the face in question; in this case the angle defined in part by face B is smaller than that defined in part by face A, and is therefore "more inclined toward" the longitudinal axis) and wherein the seat face (A), on its side oriented toward the portion of small diameter, is adjoined by at least one face (C) which is less markedly inclined toward the longitudinal axis of the connection than the seat face (angle is larger).

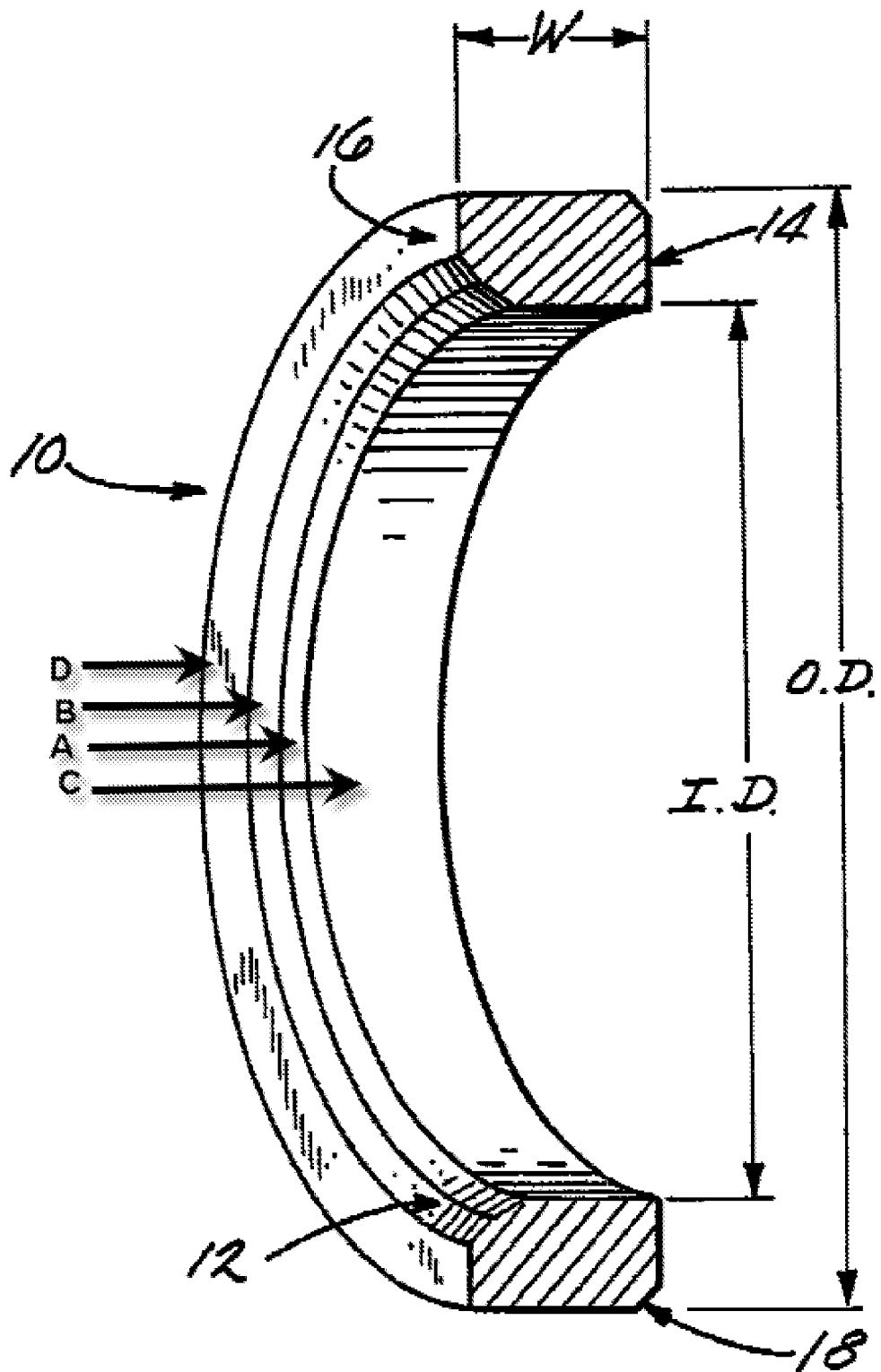
Regarding claim 9, Trudeau discloses the face (B), adjoining the seat face (A) toward the portion of the connection having the large diameter, to be adjoined by at least one further face (D), inclined more markedly toward the longitudinal axis of the connection (angle is further decreased).

Art Unit: 3753

Regarding claims 14 and 15, the side of the connection from which the surfaces are machined would not impart any distinctive structural characteristics. This process of manufacture therefore does not further define the claimed valve.

Regarding claims 18 and 19, Trudeau's faces are hardened (col. 1 line 66).

Art Unit: 3753





Art Unit: 3753

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Trudeau.

Trudeau discloses the invention as claimed, including four faces (A, B, C, D) of progressive angular orientation, but does not disclose the fifth face as required of the claims. However, it would have been obvious to one of ordinary skill in the art at the time of invention to employ a fifth seat face, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 70.

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talasaki in view of Trudeau.

Talasaki discloses the invention as claimed with exception to the hardened seat. Trudeau teaches that it was known in the art at the time of invention to harden a valve seat (col. 1 line 66). To extend the useful life of Talasaki's valve seat, it would have been obvious to one of ordinary skill in the art at the time of invention to harden the seat face surfaces, as taught by Trudeau.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3753

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM MCCALISTER whose telephone number is (571)270-1869. The examiner can normally be reached on Monday through Friday, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WILLIAM MCCALISTER/  
Examiner, Art Unit 3753

/John Rivell/  
Primary Examiner, Art Unit 3753

WM  
1/12/2009